



Express Mail No. EV335859773US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Friend et al.

Confirmation No.: 1718

Serial No.: 09/783,474

Art Unit: 1631

Filed: February 14, 2001

Examiner: Marschel, A. H.

For: METHODS OF DIAGNOSING DISEASE STATES USING GENE EXPRESSION PROFILES Attorney Docket No: 9301-129

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Mail Stop AF
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated November 4, 2003 of the Primary Examiner finally rejecting claims 51-59 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for 3 month(s):
☐ was filed on
☒ is submitted herewith.
2. ☒ A timely response to the final rejection has been filed.
3. ☐ A fee in the amount of \$330.00 is:
☐ Required.
☐ Not required (Fee paid in prior appeal).
4. ☒ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$165.00 is:
☒ Required.
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: May 4, 2004

Adriane M. Antler

32,605

Adriane M. Antler

(Reg. No.)

JONES DAY

222 East 41st Street

New York, New York 10017-6702

Phone: (212) 326-3939

05/07/2004 HTECKLU1 00000022 503013 09783474

01 FC:2401 165.00 DA